

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/15/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
DONNA VESTUTI,	:	
	:	
Plaintiff,	:	
	:	24-CV-4039 (VEC)
-against-	:	
	:	<u>ORDER</u>
MARRIOTT INTERNATIONAL, INC.,	:	
MARRIOTT WORLDWIDE CORPORATION	:	
and ROYAL ST. KITTS BEACH RESORT	:	
LIMITED,	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on September 4, 2024, Defendant filed a Motion to Dismiss, *see* Dkt. 24;

WHEREAS on September 23, 2024, Plaintiff filed a letter (the “Letter”) requesting an adjournment of the Initial Pretrial Conference and the associated deadline to submit the proposed case management plan, *see* Dkt. 25;

WHEREAS the Letter stated “plaintiff[] intent[ed] to file a second amended complaint,” but did not state whether Defendants consented to the filing;

WHEREAS on September 24, 2024, Plaintiff filed the redlined version of the Second Amended Complaint (“SAC”), along with an exhibit, *see* Dkt. 27;

WHEREAS Rule 15 of the Federal Rules of Civil Procedure provides that a “party may amend its pleading once as a matter of course,” Fed. R. Civ. P. 15(a)(1), and Plaintiff amended the Complaint on August 15, 2024, *see* Dkt. 16;

WHEREAS Rule 15 requires that “[i]n all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave,” Fed. R. Civ. P. 15(2);

WHEREAS Plaintiff filed the SAC without moving for leave and without stating whether Defendants consented;

WHEREAS the Court ordered Plaintiff to either move for leave to file the SAC or file a letter indicating that Defendants consent to the filing by no later than October 4, 2024, *see* Dkt. 28;

WHEREAS Plaintiff moved for leave to file the SAC on October 3, 2024, *see* Dkt. 29;

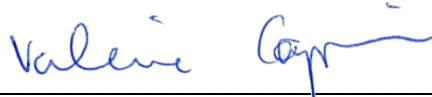
WHEREAS the Court granted Plaintiff's motion for leave on October 4, 2024 and directed Plaintiff to file a clean version of the SAC by October 8, 2024; and

WHEREAS to date, Plaintiff has not complied with the Court's order and has not filed a clean version of the SAC.

IT IS HEREBY ORDERED that Plaintiff must file a clean version of the SAC by no later than October 17, 2024. Failure to abide by the Court's orders can result in sanctions.

SO ORDERED.

Date: October 15, 2024
New York, NY



VALERIE CAPRONI
United States District Judge